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MASTER AND SERVANT—WORKMEN'S INSURANCE ACT—CONSTITUTIONAL LAW.—102 OHIO LAWS, p. 524, creating a State insurance fund for the benefit of injured and the dependents of killed employees, abolishing the defense of assumed risk where the parties are not acting under the provisions of the act, and creating a State liability board of awards, *Held,* constitutional. *State ex rel. Yaple* v. *Creamer* (Ohio 1912) 97 N. E. 602.

The objections made to the validity of the act were as follows: (1) it is an unwarranted exercise of the police power and directs the State to use public funds for private purposes; (2) it takes private property without due process of law; (3) it deprives parties of the freedom of contract and impairs the obligation of contracts; and (4) it makes an unjust and arbitrary classification. For a full discussion of the act and decision, see 10 MICH. L. REV., 345, 437.

MILITIA—ENLISTMENT OF MINORS.—Petitioner seeks the discharge of his son from the National Guard on the ground that his enlistment was illegal in that he enlisted when he was but twenty years of age and without the consent of his father. Section 1, Article 14 of the Constitution of 1885 is as follows: "All able bodied male inhabitants of this State between the ages of eighteen and forty-five years * * * shall constitute the militia of the State." Section 670 of the General Statutes of 1906 provides: "That portion of the militia organized as a land force * * * shall be composed of able bodied volunteers between eighteen and forty-five years of age." *Held,* that a minor over eighteen is bound by his enlistment into the militia of the State, even though the consent of his parents was not obtained. *Acker* v. *Bell* (Fla. 1912), 57 South. 356.

But two cases in point are discoverable: *Porter* v. *Sherburne* (1842) 21 Me. (8 Shep.) 255 and *William K. Dewey, Pet., Etc.* (1831), 11 Pick. 265. While these cases hold with the principal case, both the decisions rest upon poor authority, viz.: *Com.* v. *Frost,* 13 Mass. 491. In that case it was sought to hold one liable for non-enlistment in a company of militia. He would have been liable unless a previous enlistment in a company of artillery, which he had made when less than eighteen years old, was valid. The court held that the previous enlistment was voidable but, not having been avoided, was valid and would relieve him from the second enlistment. The decision is manifestly not in point in the cases cited *supra,* which arose from facts almost identical with those in the principal case and under very similar statutes. The Florida court did not refer to these cases and seems to have rendered its decision as though the case were without precedent. In refusing the discharge on the ground of public policy, the court has undoubtedly decided correctly on principle.

MUNICIPAL CORPORATIONS—COUNTIES—RIGHT TO ENJOIN STATE FROM MISAPPROPRIATION OF FUNDS DENIED.—A State statute provided for the construction of a system of State roads, none of which were to run through plaintiff county, and provided for a large appropriation from the State treasury to pay for same. Plaintiff county sought to have said act declared unconstitutional, and to restrain the State officers from proceeding under same. CODE,